

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:14-CV-182-BR

|                           |   |              |
|---------------------------|---|--------------|
| WOODELL MCGOWAN, et al.,  | ) |              |
|                           | ) |              |
| Plaintiffs,               | ) |              |
|                           | ) |              |
| v.                        | ) | <u>ORDER</u> |
|                           | ) |              |
| MURPHY-BROWN, LLC d/b/a   | ) |              |
| SMITHFIELD HOG PRODUCTION | ) |              |
| DIVISION,                 | ) |              |
|                           | ) |              |
| Defendant.                | ) |              |
| _____                     | ) |              |

This matter is before the court on (1) plaintiffs’ motion in limine with regard to defense opening statement, (DE # 127); (2) defendant’s motion in limine to limit judicial commentary at trial, (DE # 152); and (3) defendant’s motion in limine to limit improper commentary by plaintiffs’ counsel, (DE # 159). The parties have filed responses. (DE ## 186, 187, 198.)

With respect to the undersigned’s commentary, the court is aware of its obligation to act neutrally and without giving the appearance of bias or partiality *throughout the course of any proceeding*. Accordingly, defendant’s motion to limit judicial commentary at trial is DENIED.

As for the parties’ cross-motions regarding each other’s comments during opening statement, closing argument, and/or rebuttal argument, the court expresses no opinion on the propriety of counsels’ comments during the trial of McKiver v. Murphy-Brown, LLC, No. 7:14-CV-180-BR, and cited in the parties’ briefs. The court expects all counsel to comply with any stipulations and all the court’s orders and to refrain from making improper comments at trial, and in this regard, the cross-motions are ALLOWED. If counsel believes opposing counsel has

made comments contrary to this court's rulings or the parties' stipulation or which are otherwise improper, counsel should alert the court to that fact.

This 24 May 2018.

A handwritten signature in dark ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

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W. Earl Britt  
Senior U.S. District Judge